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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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6AU-1644
#18
9-1900**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional applications under 37 C.F.R. § 1.53(d))

CHECK BOX, if applicable:

☐ DUPLICATE

Address to:

Assistant Commissioner for Patents
Box CPA
Washington, DC 20231Attorney Docket No.
of Prior Application

16715CPA

First Named Inventor

William J. Rea, MD

Examiner Name

Schwadron, R.

Group / Art Unit

1644

Express Mail Label No.

EK172344290US

This is a request for a ☒ continuation or ☐ divisional application under 37 C.F.R. § 1.53(d),
(continued prosecution application (CPA)) of prior application number 08 / 902,692,
filed on 7/30/97, entitled Autogenous Lymphatic Factor for Modification of T and B Lymphocyte Parameters.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371.

A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. § 1.78(a).

1. ☐ Enter the unentered amendment previously filed on _____
under 37 C.F.R. § 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53 (d)(4).
 - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:
.....
 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. ☐ PTO-1449
 - b. ☐ Copies of IDS Citations

(Page 1 of 2)

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

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| CLAIMS | (1) FOR | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE | (5) CALCULATIONS |
|---|---------|------------------|------------------|---------------------------------|------------------|
| TOTAL CLAIMS (37 C.F.R. § 1.16(c) or (i)) | | 18 -20* = | 0 | x \$ _____ = | \$ 0 |
| INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b) or (i)) | | 3 -3** = | 0 | x \$ _____ = | 0 |
| MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d)) | | | | + \$ _____ = | |
| | | | | BASIC FEE (37 C.F.R. § 1.16) | |
| | | | | Total of above Calculations = | |
| Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27 & 1.28). | | | | | |
| * Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent. | | | | | TOTAL = 0 |

6. Small entity status:

- a. ☐ A small entity statement is enclosed, if (b) and (c) do not apply.
b. ☒ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
c. ☐ Is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 03 - 3840:

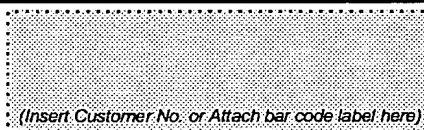
- a. ☒ Fees required under 37 C.F.R. § 1.16.
b. ☒ Fees required under 37 C.F.R. § 1.17.
c. ☐ Fees required under 37 C.F.R. § 1.18.

8. ☒ A check in the amount of \$ 380 is enclosed.9. ☒ New Attorney Docket Number, if desired 16715/CPA

[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]

10 a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)

- b.
- ☒
- Return Receipt Postcard (Should be specifically itemized, See MPEP 503)

11. ☒ Other: Petition for Extension of Time**NOTE:**The prior application's correspondence address will carry over to this CPA
UNLESS a new correspondence address is provided below.**12. NEW CORRESPONDENCE ADDRESS**☐ Customer Number or Bar Code Labelor ☐ New correspondence address below

Name

Address

City

State

Zip Code

Country

Telephone

Fax

13. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)

Todd E. Albanesi

Signature

Registration No. (Attorney/Agent)

36,426

Date

September 11, 2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: William J. Rea, MD, et al

Attorney Docket: 16715/CPA2

Serial No.: 08/902,692

Art Group Unit: 1644

Filed: July 30, 1997

Examiner: Schwardon, R., Ph.D.

For: **AUTOGENOUS LYMPHATIC FACTOR FOR
MODIFICATION OF T AND B LYMPHOCYTE PARAMETERS**

**PRELIMINARY AMENDMENT**

Honorable Commissioner of Patents
Washington, D.C. 20231

Sir:

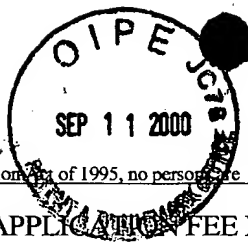
In response to the Office Action mailed March 9, 2000 in the prior CPA application, a request for extension of time for the purposes of filing a second continuation patent application ("CPA") under 37 C.F.R. § 1.53(d) being filed herewith, please consider the following amendment and arguments to place the application in better condition for appeal.

In the Claims:

Please add the following new claims:

- 65. A method for treating a chemically sensitive individual comprising the steps of:
- (a) collecting a blood sample from the individual;
 - (b) isolating mixed T and B lymphocytes from the blood sample, which includes at least some normal T and B lymphocytes;
 - (c) propagating the isolated mixed T and B lymphocytes to obtain propagated normal lymphocytes;
 - (d) lysing the propagated lymphocytes to obtain a lysate; and
 - (e) administering the lysate to the individual. –

– 66. A method according to Claim 65, wherein the step of propagating the isolated mixed T and B lymphocytes further comprises the step of culturing with cell growth medium at 37°C for a sufficient time to obtain approximately $5-8 \times 10^6$ cells per ml. –



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PATENT APPLICATION FEE DETERMINATION RECORD

Application or Docket Number

16715CPA

CLAIMS AS FILED - PART I

(Column 1)

(Column 2)

SMALL ENTITY

OR

OTHER THAN
SMALL ENTITY

| FOR | NUMBER FILED | NUMBER EXTRA |
|---|--------------|--------------|
| BASIC FEE (37 CFR 1.16(a)) | | |
| TOTAL CLAIMS (37 CFR 1.16(c)) | minus 20 = | * |
| INDEPENDENT CLAIMS (37 CFR 1.16(b)) | minus 3 = | * |
| MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d)) | | |

| RATE | FEE |
|--------------|----------|
| | \$ _____ |
| x \$ _____ = | |
| x _____ = | |
| + _____ = | |
| TOTAL | |

| RATE | FEE |
|--------------|----------|
| | \$ _____ |
| x \$ _____ = | |
| x _____ = | |
| + _____ = | |
| TOTAL | |

* If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II

(Column 1)

(Column 2)

(Column 3)

SMALL ENTITY

OR

OTHER THAN
SMALL ENTITY

| AMENDMENT A | | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA |
|-------------|---|---|-------|---|------------------|
| | Total (37 CFR 1.16(c)) | * 18 | Minus | ** 20 | = 0 |
| | Independent (37 CFR 1.16(b)) | * 3 | Minus | *** 3 | = 0 |
| | FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d)) | | | | |

| RATE | ADDI- TIONAL FEE |
|--------------|------------------------|
| | |
| x \$ _____ = | 0 |
| x _____ = | 0 |
| + _____ = | |
| TOTAL | 0 |
| ADDIT. FEE | |

| RATE | ADDI- TIONAL FEE |
|--------------|------------------------|
| | |
| x \$ _____ = | |
| x _____ = | |
| + _____ = | |
| TOTAL | |
| ADDIT. FEE | |

(Column 1)

(Column 2)

(Column 3)

| AMENDMENT B | | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA |
|-------------|---|---|-------|---|------------------|
| | Total (37 CFR 1.16(c)) | * | Minus | ** | = |
| | Independent (37 CFR 1.16(b)) | * | Minus | *** | = |
| | FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d)) | | | | |

| RATE | ADDI- TIONAL FEE |
|--------------|------------------------|
| | |
| x \$ _____ = | |
| x _____ = | |
| + _____ = | |
| TOTAL | |
| ADDIT. FEE | |

| RATE | ADDI- TIONAL FEE |
|--------------|------------------------|
| | |
| x \$ _____ = | |
| x _____ = | |
| + _____ = | |
| TOTAL | |
| ADDIT. FEE | |

(Column 1)

(Column 2)

(Column 3)

| AMENDMENT C | | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA |
|-------------|---|---|-------|---|------------------|
| | Total (37 CFR 1.16(c)) | * | Minus | ** | = |
| | Independent (37 CFR 1.16(b)) | * | Minus | *** | = |
| | FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d)) | | | | |

| RATE | ADDI- TIONAL FEE |
|--------------|------------------------|
| | |
| x \$ _____ = | |
| x _____ = | |
| + _____ = | |
| TOTAL | |
| ADDIT. FEE | |

| RATE | ADDI- TIONAL FEE |
|--------------|------------------------|
| | |
| x \$ _____ = | |
| x _____ = | |
| + _____ = | |
| TOTAL | |
| ADDIT. FEE | |

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

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I HEREBY CERTIFY THAT THE ENCLOSED PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE COMMISSIONER OF PATENTS, BOX APPLICATIONS, WASHINGTON, D.C. 20231

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Signature of Person Mailing Paper or Fee